

Full Name/Prisoner Number

① OTERO COUNTY PROCESSING CENTER

26 MCGREGOR RANGE Rd CG-38 Chaparral New Mexico 88081

410 COLLEGE ST. CENTRAL S.C. 29630

Complete Mailing Address

FILED

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

OCT 23 2009

MATTHEW J. DYKMAN  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CIV - 09 - 1032 LH ACT

Civil Action No.

(To be supplied by the Court)

RUSSEL DIPRIANO AGUILERA

\_\_\_\_\_, Plaintiff(s),  
Full name(s) and prisoner number(s)  
(Do not use *et al.*)

v.

MTC, OTERO PROCESSING CENTER, WARDENS

TERRY J. FRAWER \_\_\_\_\_, Defendant(s).  
(Do not use *et al.*)

PRISONER'S CIVIL RIGHTS COMPLAINT

A. PARTIES AND JURISDICTION

1. RUSSEL L. AGUILERA is a citizen of MEXICO who  
(Plaintiff) (State)

presently resides at 26 MCGREGOR RANGE Rd. (CG-38) CHAPARRAL New Mexico 88081  
(mailing address or place of confinement)

2. Defendant WARDEN TERRY is a citizen of UNKNOWN  
(name of first defendant) (State)

whose address is 26 MCGREGOR RANGE Rd. CHAPARRAL New Mexico 88081

and who is employed as WARDEN OTERO COUNTY PROCESSING CENTER at the time the claim(s).

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

THEY DENIAL MY ARTHRITIS RHEUMATOID MEDICATION AND ALSO I BEEN SUFFER FROM INFECTION ON MY RIGHT TOE FOR 6 MONTHS BECAUSE THE MEDICINE MAN DO NOT MEDICATE ALSO THE MAIL ROOM VIOLATED MY MAIL THEY DENIAL (MY LEGAL MAIL FOR MY CASE) AND I WAS STRIP SEARCHED BY DETENTION GUARDS AT OTERO PROCESSING CENTER

3. Defendant WARDEN FRANKLIN is a citizen of UNKNOWN  
(name of second defendant) (State)

whose address is 26 MCGREGOR RANGE RD. CHAPARRAL NEW MEXICO 88081

and who is employed as WARDEN AT OTERO COUNTY PROCESSING CENTER. At the time the claim(s)  
(title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

THE MEDICAL DENIAL MY ARTHRITIS MEDICATION AND ALSO I BEEN SUFFER ON MY RIGHT TOE, I HAVE INFECTION FOR 6 MONTHS I CATCH ON SHOWER ROOM AND ALSO THE MAIL ROOM DENIAL AND VIOLATED (MY LEGAL MAIL FOR MY CASE) AND I WAS STRIP SEARCHED BY DETENTION GUARDS AT OTERO PROCESSING CENTER

(If more space is needed to furnish the above information for additional defendants, continue on a blank sheet which you should label "A. PARTIES." Be sure to include each defendant's complete address and title.)

(CHECK ONE OR BOTH:)

☒ Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (for state defendants) or *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (for federal defendants).

☐ Jurisdiction also is invoked pursuant to 28 U.S.C. § 1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

## B. NATURE OF THE CASE

BRIEFLY state the background of your case.

ON 4/08/09 ME AND MY FELLOW — DETAINER IN CHARLEY 6 DORM, WERE ILLEGALLY STRIP SEARCHED, WHICH WAS NOT A ROUTINE, IN ATMOSPHERE OF YELLING, SCREAMING, HUMILIATION & TORTURE (THE A.C. WAS TURNED ON FULL SPEED WHILE WE WERE NAKED)

C. CAUSE OF ACTION

I allege that the following of my constitutional rights, privileges, or immunities have been violated and that the following facts form the basis of my allegations: (If more space is needed to explain any allegation or to list additional supporting facts, continue on a blank sheet which you should label "D. CAUSE OF ACTION.")

Claim I: My 8<sup>th</sup> Amendment Rights was violated when me and the other detainees  
were brought to an empty dorm & illegally strip searched while they turned  
the A.C. at full power (I have no medical treatment for my arthritis rheumatoid) and  
female officers were screaming out orders,  
 Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.) On April 8th 2009, the detention officers at Berc-  
Processing Center, wake every body on Charley 6 (detainers) and escorted us out of Charley  
6 into Delta 5 dorm, where we were then told strip to strip by about 20 officers

Claim II: Warden Frawley replied to a complaint I 60 form  
the my fellow detainees sent to him - common face is not required to be  
looked. According to ICE standards, he is violating the ICE standards

Supporting Facts:

### Supporting Facts:

#### D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? \_\_\_\_ Yes      No. If your answer is "Yes," describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF.")

a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A

b. Name and location of court and docket number

c. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed? Is it still pending?)

N/A

d. Issues raised: N/A

e. Approximate date of filing lawsuit: 12/1

f. Approximate date of disposition: M/A

2. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D. Yes ~~No~~.

If your answer is "Yes," briefly describe how relief was sought and the results.

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3. I have exhausted available administrative remedies. Yes ☒ No ☐ If your answer is "Yes," briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No," briefly explain why administrative remedies were not exhausted.

#### E. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28 U.S.C. § 1915, please list each civil action or appeal you have brought in a court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."

a. Parties to previous lawsuit:

Plaintiff(s):

*N/A*

Defendant(s):

*N/A*

b. Name and location of court and docket number

*N/A*

c. Grounds for dismissal: ( ) frivolous ( ) malicious ( ) failure to state a claim upon which relief may be granted.

d. Approximate date of filing lawsuit:

*N/A*

e. Approximate date of disposition:

*N/A*

2. Are you in imminent danger of serious physical injury? \_\_\_\_ Yes \_\_\_\_ No. If your answer is "Yes," please describe the facts in detail below without citing legal authority or argument.

I request the following relief:

I REQUEST MONETARY SUM OF  
\$ 30,000,000 TO BE PAID TO ME

Prisoner's Original Signature

Prisoner's full address and telephone

Attorney's full address and telephone

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

OTERO COUNTY PROCESSING CENTER

Executed at 26th GREGOR RANGE Rd. CHAPARRAL, NEXC on AUGUST 15, 2009  
(location) 88081 MEXICO (date)

RUSSEL C. AGUILERA  
Prisoner's Original Signature

PLAINTIFF  
(~~Defendant~~)

RUSSEL GRIANO AGUILERA

A# 088-898-218

Detained

Otero County Processing Center

26 Mc Gregor Range Rd, Chaparral,

NM, 88081

I hereby certify that a copy of the forgoing pleading/ document was  
mailed to WARDENS: A.W. FRAWNER AND TERRY at  
(MTC) OTERO PROCESSING CENTER) 26 MCGREGOR RANGE RD. CHAPARRAL N.M 88081  
(opposing party or counsel) a true and complete statement in envelope,  
postage paid and mailing it to

\_\_\_\_\_  
(Address)

on 10-8-2009

(Date)

RUSSEL C. AGUILERA

(Signature)

RUSSEL CIPRIANO AGUILERA  
A#088-898-218  
26 MCGREGOR RANGE ROAD  
CHAPARRAL N.M. 88081

LEGAL  
MAIL



RECEIVED  
At Albuquerque NM

OCT 23 2009

MATTHEW J. DYKMAN  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO  
OFFICE OF THE CLERK  
PETE V. DOMENICI UNITED STATES COURT  
333 LOMAS BLVD. N.M. - SUITE  
ALBUQUERQUE, New Mexico



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